

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Slater, et al.

Group Art Unit: 3735

Serial No.: 10/811,536

Examiner: Samuel G. Gilbert

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Title: RadioActive Therapeutic Seed Having Selective Marker Configuration

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David P. Gordon

Date

Honorable Commissioner for Patents
Alexandria, VA 22313

Sir:

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DOUBLE PATENTING REJECTION OVER A PATENT**

The owner, Syntheon, LLC, of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Pat. No. 6,712,752. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above referenced patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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